

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BOANERGES CARVALHO,  
A 018-004-228

Petitioner,

v.

ANDREA CABRAL, ET AL.,

Respondent.

CIVIL ACTION NO. 11-11074-RWZ

MEMORANDUM AND ORDER

ZOBEL, D.J.

On June 16, 2011, Petitioner Boanerges Carvalho ("Carvalho"), an immigration detainee then confined at the Suffolk County House of Correction in Boston, Massachusetts, filed a self-prepared petition for a writ of habeas corpus under 28 U.S.C. § 2241 alleging that his continued detention is in violation of his due process rights as articulated by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001).

On June 24, 2011, this Court issued a Memorandum and Order (Docket No. 4) directing Carvalho to pay the \$5.00 filing fee or file a renewed Motion for Leave to Proceed *in forma pauperis*. This Court also directed service of the petition notwithstanding the unresolved filing fee.

On July 1, 2011 the mail sent to Carvalho was returned as undeliverable with a notation on the return envelope that Carvalho was "no longer here." Thereafter, the Respondent reported that Carvalho had been removed, and filed a Motion to Dismiss the petition (Docket No. 6), along with supporting materials (Docket No. 7). Respondent argues that this action is moot in light of the removal.

In view of Carvalho's removal and release from ICE custody, the Respondent's Motion to Dismiss (Docket No. 6) is ALLOWED on the basis that this habeas petition is now moot.

Accordingly, it is hereby Ordered that this action is DISMISSED in its entirety without prejudice. The Respondent is directed to mail a copy of this Order to Carvalho at his last known address.

SO ORDERED.

/s/ Rya W. Zobel  
RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE

DATED: August 1, 2011